



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. 04-02

Subject of possible rule making: This rulemaking will create Chapter 173-517 WAC Quilcene-Snow Instream Resources Protection and Water Management Program. Prior to drafting the rule language that will set instream flows in the Quilcene-Snow Watershed, Water Resources Inventory Area (WRIA) 17, the Washington State Department of Ecology (Ecology) will participate in a collaborative process involving the WRIA 17 Planning Unit, through which an attempt will be made to reach consensus on Instream Flows and other potential water resource management tools.

(a) Statutes authorizing the agency to adopt rules on this subject: Chapter 90.82 RCW, Watershed Planning; Chapter 90.54 RCW, Water Resources Act of 1971; Chapter 90.22 RCW, Minimum Water Flows and Levels; Chapter 90.03 RCW, Water Code; Chapter 90.44 RCW, Regulation of Public Ground Waters, and Chapter 77.55 RCW, Construction Projects in State Waters (Hydraulic Code).

(b) Reasons why rules on this subject may be needed and what they might accomplish: The adoption of this rule is needed to protect instream values within the Quilcene-Snow Watershed, WRIA 17, including ESA listed fish:
Hood Canal Evolutionarily Significant Unit (ESU) summer chum – Threatened (date of listing 3/99)
Puget Sound chinook – Threatened (date of listing 3/99)
Puget Sound/Strait of Georgia coho – Candidate (date of listing 7/95)
Puget Sound Bull trout – Threatened (11/99).

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology has statutory authority under Chapter 90.22 RCW to establish minimum instream water flows. Ecology will consult with the Washington Department of Fish and Wildlife and affected tribes. In accordance with the provision of RCW 90.03.247, directs Ecology to “consult with, and carefully consider the recommendations of, the department of fish and wildlife, the department of community, trade, and economic development, the department of agriculture, and representatives of the affected Indian tribes”. We will also coordinate with the appropriate federal agencies, and other interested state and local agencies.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) During rulemaking, draft language will be shared with the local Watershed Planning Unit; WA Departments of Fish and Wildlife, Community, Trade & Economic Development, and Agriculture; tribes; and other interested parties. Ecology will prepare a focus sheet and distribute it to established mailing and email lists. Ecology will also hold a public hearing to solicit comments from interested parties.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Kathleen Enseñat
Department of Ecology
Water Resources Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6780
kspa461@ecy.wa.gov
Fax: (360) 407-6574

or

Phil Wiatrak
Department of Ecology - SWRO
Shorelands and Environmental Assistance Program
PO Box 47775
Olympia, WA 98504-7775
(360) 407-6652
pwia@ecy.wa.gov
Fax: (360) 407-6574

For the latest updates on Water Resources issues, including the Quilcene-Snow rulemaking process, sign up for the Department of Ecology Water Resources email list: <http://listserv.wa.gov/archives/water-resources.html> or check out the Water Resources website at: <http://www.ecy.wa.gov/programs/wr/wrhome.html>

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAR 24 2004

TIME 10:28 AM
WSR 04-07-185

NAME (TYPE OR PRINT)
Joe Stohr

SIGNATURE
JOE STOHR

TITLE
Water Resources Program Manager

DATE
3/23/04